PROVINCE OF SASKATCHEWAN

2010

ANNUAL REPORT

MINISTRY OF JUSTICE AND ATTORNEY GENERAL

Public and Private
Rights Board

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This annual report is also available in electronic format from the Ministry's website at **www.justice.gov.sk.ca.**

Letter of Transmittal

March 31, 2011

Honourable Brad Wall
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2010, to December 31, 2010.

Respectfully submitted,

K. W. Acton
Chairman

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman

Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board (PPRB) has the authority to review matters relating to the expropriation of land, or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

- The route, situation or design of a public improvement.
- The amount of compensation offered for the expropriated land.

The primary role of the PPRB is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking.[1]

The Board is mandated to assist landowners and expropriating authorities to reach agreements when expropriation has been commenced. The Board assists parties in their negotiations and, if necessary, mediates a settlement. In some instances, resolution can be reached even prior to initiation of the formal expropriation. This is beneficial to all the parties as it brings a neutral third party to work with them to ensure accountability, clear understanding and openness.

On September 16, 2010 the role of the PPRB was expanded to include the provision of mediation services under *The Surface Rights Acquisition and Compensation Act*. The Board is currently working with the office of the Surface Rights Board of Arbitration and potential users of mediation services in this field, to ensure mediation is readily accessible across the province for those choosing this option.

This will be my final report as Chairman of the Public and Private Rights Board. A new Chairman will be appointed this spring. It is appropriate at this time that I express my appreciation to those who have been involved with the successful work of the Board during my tenure.

I appreciate the contributions of the landowners who have been affected by expropriations. In most cases, they have worked sincerely and patiently to find acceptable solutions that met their needs as well as the requirement of the expropriating authority. Some faced situations that presented significant challenges for them and their families.

I recognize the professionalism of the staff of the expropriating authorities who worked hard to satisfy the concerns of landowners and have co-operated with the Board throughout the years of my tenure.

I am grateful for the constant commitment and effort of Verna LeBlanc, my Administrative Assistant. I also thank all of the staff at The Dispute Resolution Office, Ministry of Justice and Attorney General, who have provided mediation support to the PPRB. Their work has been critical to the success of the Board.

Finally, I thank you for the opportunity to serve as Chairman of the Public and Private Rights Board. It has been an honour.

1. Kenneth J. Boyd, *Expropriation in Canada - A Practitioner's Guide* (Aurora, Ontario: Canada Law Book, 1988), p. 27.

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2010

i. Number and Nature of Claims Negotiated in 2010

(A) Carried forward from 2009:

i) Route, Situation or Design	4
ii) Compensation	5
Subtotal	9

(B) New claims received in 2010:

i) Route, Situation or Design	2
ii) Compensation	3
iii) Claims withdrawn in 2010	1
Subtotal	6

ii. Number and Nature of Claims Completed in 2010

i) Route, Situation or Design	4
ii) Compensation	8
Total	**12**

iii. Number and Nature of Claims Carried Forward into 2011

i) Route, Situation or Design	0
ii) Compensation	3
Total	**3**

b. Number and Nature of Claims Received by the Board in 2010 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	1	0	1
Highways	0	3	3
Miscellaneous	0	0	0

c. Number and Nature of Claims Initiated with the Board in 2010 (by Expropriating Authority)

Expropriating Authority	Route, Situation or Design	Compensation	Total
SaskTel	1	0	1
SaskPower	1	0	1
Highways	0	3	3
Miscellaneous	0	0	0

d. Resolution of Claims Initiated with the Board in 2010 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	Withdrawn	Total
SaskTel	4	0	0	4
SaskPower	1	0	1	2
Highways	6	1	0	7
Miscellaneous	0	0	0	0

e. Number and Nature of Claims Received by the Board (2000-2010)

Year	Route, Situation or Design	Compensation	Total
2000	3	3	6
2001	2	2	4
2002	8	3	11
2003	1	2	3
2004	2	0	2
2005	0	5	5
2006	1	2	3
2007	3	3	6
2008	3	3	6
2009	4	7	11
2010	2	3	5

f. Number of Claims Received by the Board (2000-2010) by Expropriating Authority

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Highways	Misc.
2000	0	4	0	0	2	0
2001	0	1	0	0	1	2
2002	2	1	0	0	7	1
2003	0	0	1	0	1	1
2004	0	1	0	0	0	1
2005	0	1	1	0	3	0
2006	0	0	0	1	1	1
2007	0	2	0	0	3	1
2008	0	1	1	0	4	0
2009	0	6	2	0	3	0
2010	0	1	1	0	3	0